

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

CARLA LINDAHL, )  
Plaintiff, ) CIVIL NO.  
v. ) COMPLAINT  
UNUM, Life Insurance Company )  
Defendant, )

This complaint is filed to challenge the termination of long-term disability benefits by the Defendant, Unum Life Insurance Company of America for violation of the Employment Retirement Income Security Act of 1974 pursuant to section 502 of that act and violation of its obligation to act in good faith regarding the processing of claims for such benefits.

## I. Parties

1.1 Carla Lindahl is over 18 years of age and a resident of Cowlitz County at all

## COMPLAINT - 1

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1 times material and relevant to this proceeding.

2 1.2 Defendant, Unum life Insurance Company of America, was and is the plan  
3 administrator of policy number 370835, a long-term disability policy.

4 1.3 Defendant, Unum Life Insurance Company of America was and is licensed to  
5 provide long term disability insurance benefits to Washington residents.

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7 II. Facts

8 2.1 Plaintiff purchased benefits and/or was a beneficiary for any long-term disability  
9 that were payable under policy number 370835.

10 2.2 Plaintiff was employed as a housekeeper by St. John's hospital January 2001 until  
11 about September 13, 2006. Plaintiff's employment with PeaceHealth ended due  
12 to physical impairments, including but not limited to, a malformation in her  
13 brain, diabetes, fibromyalgia, neuropathy, inflammatory arthritis and secondary  
14 mental conditions caused by the chronic physiological problems.

15 2.3 On or about September 16, 2006 Plaintiff submitted a claim for long-term  
16 disability benefits, which was approved by the Defendant.

17 2.4 On January 18, 2007 a letter from Unum informed Plaintiff "We have received  
18 and reviewed your LTD claim and approved your request for benefits."

19 2.5 Plaintiff applied for and was awarded Social Security disability benefits in May  
20 of 2008 and informed Defendant of her eligibility for said benefits.

21 2.6 Plaintiff received monthly benefits of \$1200.00 from Unum commencing  
22 September 2006 until May 2008 which was when Plaintiff began receiving Social

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24 COMPLAINT - 2

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1 Security disability benefits and thereafter received \$507.32 per month from  
2 Unum until the benefits ended.

3 2.7 On or about October 21, 2011 Defendant ended payment of said long-term  
4 disability benefits because the payment was due to a mental condition identified  
5 as "depression".

6 2.8 Plaintiff filed a timely appeal from the determination of the Defendant ending  
7 her long-term disability benefits.

8 2.9 Plaintiff submitted medical information in support of her appeal some which  
9 was considered by the Defendant, including but not limited to the opinions of  
10 her treating doctor, Timothy Randall, in November 2011 that the progression of  
11 her neuropathy and inflammatory arthritis compounded by her history of  
12 congenital neurological abnormality rendered her unemployable and Dr. Robert  
13 Axelrod also in November 2011 that depression was a consequence of her  
14 underlying physical problems which on their own rendered her disabled.

15 2.10 Defendant failed to contact or obtain information from the treatment providers  
16 as required by Federal and State law to conduct a full and fair review before  
17 taking action regarding eligibility.

18 2.11 The Defendant misinterpreted the medical evidence that it did consider after it  
19 had been provided by the Plaintiff and or her treating medical professionals,  
20 including but not limited to the determination that any mental impairment was  
21 secondary to the underlying severe physical problems that had been identified

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27 COMPLAINT - 3  
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1 and were receiving treatment.

2 2.12 Defendant failed to conduct a full and fair review of material information.

3 2.13 Defendant failed to act in good faith in the evaluation and decision related to the  
4 termination of Plaintiff's monthly long term disability benefits.

5 2.14 On or about June 4, 2012 Defendant issued a written decision affirming its earlier  
6 determination to end payment of long-term disability benefits.

7 2.15 Plaintiff has exhausted her administrative remedies under ERISA.

8 2.16 Because of the decision by Defendant, Plaintiff has suffered and continues to  
9 suffer economic damages in an amount of not less than \$507.32 dollars per  
10 month.

11 2.17 Because of the decision by the Defendant, Plaintiff has suffered and continues to  
12 suffer emotional damages in an amount to be determined at trial.

13                   **III. Claim for Relief: ERISA**

14 3.1 Plaintiff realleges paragraphs 1.1 through 2.17.

15 3.2 The Defendant has failed to comply with its obligation to conduct a full and fair  
16 review of the long term disability claim in violation of Employee Retirement  
17 Income Security Act of 1974, section 502, 29 USC 1132.

18 3.3 Plaintiff is entitled to reinstatement of her long term disability benefits and such  
19 other damages that are appropriate under the facts of law.

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COMPLAINT - 4

1 Wherefore: Plaintiff prays for judgment in her favor awarding;

- 2     4.1 Her damages for economic loss calculated at not less than five hundred (\$500.00)  
3                        dollars per month; and,
- 4     4.2 Reinstatement of her long term disability benefits according to the terms and  
5                        conditions of said disability policy; and,
- 6     4.3 Her emotional damages caused by the action and/or inactions of Defendant in  
7                        an amount to be determined at trial; and,
- 8     4.4 Plaintiff's costs and reasonable attorney fees; and,
- 9     4.5 Such other relief as is appropriate under the facts and law.

10  
11 STATE OF WASHINGTON)

12                        : ss

13 County of Cowlitz        )

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15 I, Carla Lindahl, being first duly sworn on oath, depose and say: That I am the  
16 Plaintiff herein; that I have read the foregoing Complaint, know the contents thereof,  
17 and believe that same to be true.

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19 DATED this 21<sup>st</sup> day of May, 2015

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21                        Carla Lindahl  
22                        CARLA LINDAHL

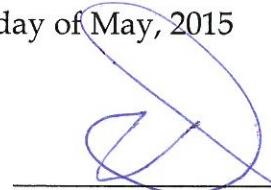
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24 COMPLAINT - 5

SIGNED AND SWORN to before me on this 21st day of May, 2015



  
NOTARY PUBLIC in and for the State of Washington, Residing at: Cowlitz County  
My Commission Expires: 9-22-17

Respectfully submitted this 21st day of May, 2015

  
TOM O'NEILL WSBA #9363  
Of Attorney for Plaintiff

COMPLAINT - 6